

ESTTA Tracking number: **ESTTA1459**

Filing date: **06/12/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Sushil Sadh		
Entity	Individual	Citizenship	UNITED STATES
Address	20306 39th Avenue Bayside, NY 11361 UNITED STATES		

Attorney information	Roberto Ledesma Lewis & Lin, LLC 45 Main St. Suite 608 Brooklyn, NY 11201 UNITED STATES roberto@ilawco.com Phone:7182439323
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### Registration Subject to Cancellation

Registration No	3415748	Registration date	04/22/2008
Registrant	My Taxes, LLC P.O. Box 544 Wagener, SC 29164 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 035. First Use: 2006/12/00 First Use In Commerce: 2006/12/00 All goods and services in the class are cancelled, namely: TAX PREPARATION
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel (MYTAXES).pdf(88691 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Roberto Ledesma/
Name	Roberto Ledesma
Date	06/12/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Sushil Sadh,  
Petitioner,

v.

My Taxes, LLC,  
Respondent.

Cancellation No.

Registration No. 3415748

Mark: MYTAXES

**PETITION TO CANCEL**

Sushil Sadh (hereinafter “Petitioner”), an individual and U.S. citizen, believes he is and will continue to be damaged by registration of the trademark MYTAXES, U.S. Registration No. 3415748, owned by My Taxes, LLC (hereinafter “Respondent”), a South Carolina corporation, and hereby petitions for cancellation of same. The grounds for cancellation are as follows:

1. Petitioner is the owner of a pending trademark application for the mark MAKEMYTAXES.COM, App. No. 85842096, covering “Income tax consultation; Income tax preparation; Tax assessment; Tax consultation; Tax filing services; Tax preparation,” in Class 35, for which he seeks registration on the Principal Register of the United States Patent & Trademark Office (“USPTO”).
2. Respondent is the owner of record for Reg. No. 3415748 for the mark MYTAXES covering “tax preparation,” in Class 35 (the “Registration”).
3. Petitioner’s application was preliminarily refused registration on the basis of a likelihood of confusion with the Registration. As such, Petitioner will be damaged in that it will not be permitted to register its mark.
4. Upon information and belief, Respondent is not now using and has ceased using the mark MYTAXES in U.S. interstate commerce.
5. Upon information and belief, Respondent has abandoned the mark MYTAXES since it is not using and has no apparent intention to resume using its mark in connection with tax preparation services.
6. Petitioner is entitled to cancel Respondent’s Registration because Respondent has abandoned any and all rights to its MYTAXES mark.
7. Petitioner is or will be damaged by the continued registration of the mark shown in Registration No. 3415748 since, by virtue of such registration, doubts would be raised as to the exclusive rights of Petitioner to use its mark.

8. Petitioner is or will be damaged by the continued existence of Respondent's Registration because Petitioner's ability to legally use and register its mark will be impaired by the continued registration of Respondent's mark.

9. Continued registration of the mark shown in the Registration will result in damage to Petitioner pursuant to the allegations stated above, and will create a cloud on the lawful right of Petitioner to adopt and use the mark MAKEMYTAXES.COM and will prevent Petitioner from obtaining federal registration of the mark MAKEMYTAXES.COM in the name of Petitioner.

WHEREFORE, Petitioner asks that the instant Petition for Cancellation be granted and that the Trademark Trial and Appeal Board cancel Registration No. 3415748.

Sushil Sadh

/Roberto Ledesma/

Roberto Ledesma  
Brett E. Lewis  
Lewis & Lin, LLC  
45 Main St. Suite 608  
Brooklyn, NY 11201  
718-243-9323  
*Attorneys for Petitioner*

Date: June 12, 2013

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served upon Respondent this 12<sup>th</sup> day of June, 2012, by mailing a copy thereof via first-class mail, postage pre-paid, to the current owner of record, My Taxes, LLC, P.O. Box 544, Wagener, South Carolina 29164.

/Roberto Ledesma/

Roberto Ledesma